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Paper No. 18

In re Application of

Shoji, et al.

Application No. 09/655,767

Filed: September 5, 2000

Attorney Docket No. FUM-03001

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OFFICE OF PETITIONS

: DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed August 31, 2009.

The petition is **granted**.

This application was held abandoned December 19, 2002, after no reply was received to the Notice of Allowance and Issue Fee Due mailed September 18, 2002. The notice set forth a statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on December 19, 2002. A Notice of Abandonment was mailed February 3, 2003. The instant petition was filed on August 31, 2009. Petitioner maintains that the USPTO erroneously changed the correspondence address of record to an address that was never associated with the subject application.

A review of the application file history reveals that two requests to change of correspondence address were filed on September 15, 2002, and placed in the subject application file notwithstanding the fact the requests cited applications numbers 10/178,332 and 09/834,986. The correspondence address for the subject application was changed to that of Brinkley, McNerney, Morgan, Solomon & Tatum, LLP even though there was no apparent authority to make a change to the correspondence address. The Notice of Allowance was improperly mailed to the offices of Brinkley, McNerney, Morgan, Solomon & Tatum, LLP. The evidence is convincing that petitioner did not receive the Notice of Allowance and Issue Fee Due because the USPTO incorrectly entered the aforementioned requests to change correspondence address. The petition is granted, accordingly.

The correspondence address has since been corrected in the USPTO records.

The application file is being forwarded to the Office of Data Management for further processing which will include re-mailing of the Notice of Allowance and Issue Fee Due and resetting of the period for reply thereto.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.



Kenya A. McLaughlin
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Office of Petitions